

MAY. 3. 2005 4:46PM

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**PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION**

EDMUND P. WOOD 1923-1968
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EDWARD B. EVANS 1936-1971

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**RECEIVED
CENTRAL FAX CENTER
MAY 03 2005**

**TO: The Honorable Commissioner
Attention: Commissioner for Patents
Art Unit 1761**

FROM: David H. Brinkman

Fax No.: (703) 872-9306

Phone: (513) 241-2324

Date: May 3, 2005

Fax: (513) 421-7269

Pages (including cover page): 9

**Re: U.S. Serial No. 09/800,792 COTTON CANDY MARKETING AND PACKAGING
SYSTEM AND RELATED PRODUCT
Attorney Docket No. GME-138**

**ATTACHMENTS/COMMENTS: OFFICIAL
Notice of Appeal (4 pages) (In duplicate)**

05/05/2005 CNGUYEN 00000037 233000 09800792

01 FC:2401 250.00 DA
02 FC:2251 60.00 DA

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I hereby certify that this correspondence is being facsimile transmitted
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May 3, 2005

PAGE 1/9 * RCVD AT 5/3/2005 4:45:21 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/0 * DNIS:8729306 * CSID:513 241 6234 * DURATION (mm:ss):01:56

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I hereby certify that this correspondence is being deposited via facsimile to The Honorable Commissioner in the United States Patent and Trademark Office, Attention: Commissioner for Patents whose centralized facsimile number is (703) 872-9306 on May 3, 2005.


David H. Brinkman, Reg. No. 40,5325/3/05
Date**RECEIVED
CENTRAL FAX CENTER****MAY 03 2005****PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: John C. Evans
Serial No: 09/800,792
Filing Date: March 7, 2001
Art Unit: 1761
Confirmation No.: 5511
Examiner: Weinstein, Steven L.
Title: **COTTON CANDY MARKETING AND PACKAGING SYSTEM AND
RELATED PRODUCT**
Atty Docket: GME-138

Cincinnati, Ohio

May 3, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS (37 C.F.R. § 1.191)**

Applicant hereby appeals to the Board of Appeals from the last decision of the Examiner dated January 14, 2005 finally rejecting claims 1-43.

The item(s) checked below are appropriate:

1. Status of Applicant

This application is on behalf of

- ☐ other than a small entity.
☒ a small entity.

2. Fee for Filing Notice of Appeal

Pursuant to 37 C.F.R. § 1.17(b), the fee for filing the Notice of Appeal is:

- ☒ small entity \$250.00
☐ other than a small entity \$500.00

Notice of Appeal fee due \$250.00

3. Extension of Term

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

- (a) X Applicants petition for an extension of time under 37 C.F.R. § 1.136 for the total number of months checked below:

| | Extension (months) | Fee for other than small entity | Fee for small entity |
|-------------|-----------------------|---------------------------------------|-------------------------|
| <u>X</u> | one month | \$ 120.00 | \$ 60.00 |
| <u> </u> | two months | \$ 450.00 | \$225.00 |
| <u> </u> | three months | \$1,020.00 | \$510.00 |
| <u> </u> | four months | \$1,590.00 | \$795.00 |

Fee \$60.00

 Attached is a check in the amount of \$ for the month extension fee as required by 37 C.F.R. § 1.17(c). If an additional extension of time is required, please consider this a petition therefor. (Check and complete the next item, if applicable)

____ An extension for ____ month has already been secured and the fee paid thereof of \$ ____ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$ _____. Please charge Deposit Account No. 23-3000 in the amount of \$ ____ for the ____ (__) months extension fee as required by 37 C.F.R. §1.17(a)(3) for large entity status.

OR

(b)____ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

4. Total Fee Due

The total fee due is:

| | |
|------------------------|-----------------|
| Notice of Appeal fee | \$250.00 |
| Extension fee (if any) | \$ <u>60.00</u> |

Total Fee due **\$310.00**

5. Fee Payment

____ Attached is a check is the sum of \$ ____.

X The Commissioner is hereby authorized to charge the amount of **\$310.00** for the appeal fee and the one month extension of time fee to Deposit Account No. 23-3000. A duplicate of this Notice is attached.


6. Fee Deficiency

X Charge any additional fee required or credit any overpayment to Deposit Account No. 23-3000. A duplicate of this Notice is attached.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By



David H. Brinkman
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